

REMARKS

Reconsideration of the pending application is respectfully requested on the basis of the following particulars:

Oath or declaration

The Office action states that the oath or declaration is defective, because the top portion indicating priority information is not legible. A copy of the original declaration is included herewith wherein the priority information is legible.

In the claims

Claims 1-5 have been amended, only as a matter of form, to delete reference characters from the claims.

Rejection of claim 1 under 35 U.S.C. § 112, second paragraph

Claim 1 presently stands rejected as being indefinite. In particular, the examiner states that "the recitation in claim 1, line 11, 'a of the pressure head' is unclear."

Applicant notes, however, that the recitation indicated by the examiner has been deleted by preliminary amendment filed with the present application on May 16, 2005. In view of the preliminary amendment, the recitation of "a of the pressure head" is not found in claim 1.

Therefore, withdrawal of this rejection is requested.

Rejection of claims 1, 2, 4, and 5 under 35 U.S.C. § 103(a) in view of Sugiyama

Claims 1, 2, 4, and 5 presently stand rejected as being unpatentable over Sugiyama (U.S. 2004/0005972). This rejection is respectfully traversed for at least the following reasons.

Sugiyama fails to disclose or suggest each and every element set forth in claim 1. Sugiyama does not disclose or suggest any detection means or any display means

connected to the detection means to display the force or the pressure applied to the pressure assembly visually.

While the examiner states that Sugiyama discloses detection means 41, 43, and 45, as well as display means 33, Applicant respectfully disagrees.

Sugiyama discloses three-way solenoid valves 41, 43, and 45 which control air flow into several air bags. However, there is no teaching or suggestion at all that the three-way solenoid valves 41, 43, and 45 perform, or are capable of performing, any manner of detection of a force or a pressure of a pressure assembly against a perineum muscle, or any other muscle or element.

On the contrary, the solenoid valves 41, 43, and 45 only control air flow or air pressure directed to the several air bags, but do not function in any way to detect a pressure exerted by the air bags against another element (perineum muscle) or by another element against the air bags.

Therefore, the three-way solenoid valves 41, 43, and 45 are not a first detection means as set forth in claim 1.

Further, Sugiyama does not disclose or suggest the claimed first display means which is connected to the first detection means and displays the force or the pressure applied to the pressure assembly visually.

Sugiyama does not provide any teaching or suggestion of any display at all, beyond the illustration of the remote controller 33, wherein the examiner apparently construes an unidentified rectangle to at the left portion of the remote controller 33 to be a display. Sugiyama, however, does not describe the remote controller 33 in any such detail to confirm that it includes any sort of a display.

Further, even assuming that, based solely on the illustration of Fig. 1, the remote controller 33 can be construed to include a display, since Sugiyama does not provide any discussion at all of any such display, the remote controller 33 cannot in any way be construed to include "a first display means which is connected to the first detection means

and displays the force of the perineum muscle while the user is shrinking the perineum muscle.”

Because Sugiyama does not disclose or suggest either the first detection means or the first display means, Sugiyama cannot form a prima facie case of obviousness of the presently claimed invention. Therefore, it is respectfully submitted that claim 1, as well as claims 2-5 which depend from claim 1, are allowable over the cited reference, and withdrawal of this rejection is requested.

Rejection of claim 1 under 35 U.S.C. § 103(a) in view of Kim

Claim 1 presently stands rejected as being unpatentable over Kim (U.S. 2003/0195094). This rejection is respectfully traversed for at least the following reasons.

Kim fails to disclose or suggest each and every element set forth in claim 1. Kim does not disclose or suggest any detection means or any display means connected to the detection means to display the force or the pressure applied to the pressure assembly visually.

While the examiner states that Kim discloses detection means 285, Applicant respectfully disagrees.

Kim discloses “a guide 285 formed to the fixed seat 240, for guiding the ascent and descent seat 230 up and down.” (Kim; [0036]). Kim does not provide any teaching or suggestion that the guide 285 in any way performs, or is capable of performing, any manner of detection of a force or a pressure of a pressure assembly against a perineum muscle, or any other muscle or element.

It is respectfully submitted that the guide 285 is not, and cannot in any way be construed to be, a detection means, since there is no teaching or suggestion that the guide 285 ever performs any detection function of any kind.

Further, the examiner has identified no aspect at all of Kim that corresponds to the claimed first display means. In fact, Kim does not teach or suggest any such display means.

At best, Kim discloses a timer 60 in Fig. 1. Beyond mere speculation that an unidentified rectangular feature of the timer 60 seen in Fig. 1 could indicate a display, Kim does not make any teaching or suggestion that the timer 60 includes a display.

Further, even assuming that, based solely on the illustration of Fig. 1, the timer 60 can be construed to include a display, since Kim does not provide any discussion at all of any such display, the timer 60 cannot in any way be construed to include "a first display means which is connected to the first detection means and displays the force of the perineum muscle while the user is shrinking the perineum muscle."

Because Kim does not disclose or suggest either the first detection means or the first display means, Kim cannot form a prima facie case of obviousness of the presently claimed invention. Therefore, it is respectfully submitted that claim 1, as well as claims 2-5 which depend from claim 1, are allowable over the cited reference, and withdrawal of this rejection is requested.

Rejection of claim 1 under 35 U.S.C. § 103(a) in view of Ishikawa

Claim 1 presently stands rejected as being unpatentable over Ishikawa (U.S. 6,233,750). This rejection is respectfully traversed for at least the following reasons.

Ishikawa fails to disclose or suggest each and every element set forth in claim 1. Ishikawa does not disclose or suggest any detection means or any display means connected to the detection means to display the force or the pressure applied to the pressure assembly visually.

While the examiner states that Ishikawa discloses a detection means 3, Applicant respectfully disagrees.

Ishikawa discloses a "stimulating coil 3 for generating a magnetic flux, thereby producing an eddy current on a living body for urinary incontinence treatment." (*Ishikawa*; col. 2, lines 64-66). Ishikawa does not provide any teaching or suggestion that the stimulating coil in any way performs, or is capable of performing, any manner of detection

of a force or a pressure of a pressure assembly against a perineum muscle, or any other muscle or element.

It is respectfully submitted that the stimulating coil 3 is not, and cannot in any way be construed to be, a detection means, since there is no teaching or suggestion that the stimulating coil 3 ever performs any detection function of any kind.

Further, the examiner has identified no aspect at all of Ishikawa that corresponds to the claimed first display means. In fact, Ishikawa does not teach or suggest any such display means at all. More particularly, Ishikawa does not disclose or suggest "a first display means which is connected to the first detection means and displays the force of the perineum muscle while the user is shrinking the perineum muscle."

Because Ishikawa does not disclose or suggest either the first detection means or the first display means, Ishikawa cannot form a prima facie case of obviousness of the presently claimed invention. Therefore, it is respectfully submitted that claim 1, as well as claims 2-5 which depend from claim 1, are allowable over the cited reference, and withdrawal of this rejection is requested.

Rejection of claim 1 under 35 U.S.C. § 103(a) in view of Kim '660

Claim 1 presently stands rejected as being unpatentable over Kim (U.S. 5,904,660, hereafter Kim '660). This rejection is respectfully traversed for at least the following reasons.

Kim '660 fails to disclose or suggest each and every element set forth in claim 1. Kim '660 does not disclose or suggest any detection means or any display means connected to the detection means to display the force or the pressure applied to the pressure assembly visually.

While the examiner states that Kim '660 discloses detection means 40, Applicant respectfully disagrees.

Kim '660 discloses "a driving unit 40 for driving the impacting member 30 to upwardly or downwardly move it." (Kim '660; col. 2, lines 21-22). Kim '660 does not

provide any teaching or suggestion that the driving unit 40 in any way performs, or is capable of performing, any manner of detection of a force or a pressure of a pressure assembly against a perineum muscle, or any other muscle or element.

It is respectfully submitted that the driving unit 40 is not, and cannot in any way be construed to be, a detection means, since there is no teaching or suggestion that the driving unit 40 ever performs any detection function of any kind.

Further, the examiner has identified no aspect at all of Kim '660 that corresponds to the claimed first display means. In fact, Kim '660 does not teach or suggest any such display means at all. More particularly, Kim '660 does not disclose or suggest "a first display means which is connected to the first detection means and displays the force of the perineum muscle while the user is shrinking the perineum muscle."

Because Kim '660 does not disclose or suggest either the first detection means or the first display means, Kim '660 cannot form a prima facie case of obviousness of the presently claimed invention. Therefore, it is respectfully submitted that claim 1, as well as claims 2-5 which depend from claim 1, are allowable over the cited reference, and withdrawal of this rejection is requested.

Rejection of claim 3 under 35 U.S.C. § 103(a) in view of Sugiyama and Pelczar

Claim 3 presently stands rejected as being unpatentable over Sugiyama in view of Pelczar. Applicant notes that the examiner has identified Pelczar only by name, but not by patent, application, or other identifying number. Accordingly, Applicant is unable to respond to this rejection beyond the examiner's comments in the rejection. This rejection is respectfully traversed for at least the following reasons.

Claim 3 depends from claim 1. As discussed above, Sugiyama fails to disclose or suggest each and every element set forth in claim 1, because Sugiyama does not disclose or suggest any detection means or any display means connected to the detection means to display the force or the pressure applied to the pressure assembly visually.

Applicant notes that the examiner has relied on Pelczar only for a teaching of a reset button, stating only that "Pelczar teaches a reset button in paragraph 7." Applicant

respectfully submits that even assuming, *arguendo*, that the referenced teaching of Pelczar may be construed to teach or suggest that "a reset button is connected to the controller and the sitter may initialize the force data or the pressure data transmitted from the first detection means by the reset button," such a teaching fails to supplement the deficiencies of Sugiyama with regard to the elements of claim 1.

Therefore, Applicant respectfully submits that the combination of Sugiyama and Pelczar's reset button fail to form a prima facie case of obviousness of claim 3. Accordingly, it is respectfully submitted that claim 3 is allowable over the cited references, and withdrawal of the rejection is requested.

#### Conclusion


In view of the amendments to the claims, and in further view of the foregoing remarks, it is respectfully submitted that the application is in condition for allowance. Accordingly, it is requested that claims 1-5 be allowed and the application be passed to issue.

If any issues remain that may be resolved by a telephone or facsimile communication with the Applicant's attorney, the Examiner is invited to contact the undersigned at the numbers shown.

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Respectfully submitted,

  
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